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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,593	12/03/2003	Angelo Joseph Kusber	1183.1101101	8969
28075	7590	10/13/2005	EXAMINER	
CROMPTON, SEAGER & TUFTE, LLC 1221 NICOLLET AVENUE SUITE 800 MINNEAPOLIS, MN 55403-2420			RAMIREZ, RAMON O	
		ART UNIT		PAPER NUMBER
				3632
DATE MAILED: 10/13/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/728,593	KUSBER ET AL.	
Examiner	Art Unit		
RAMON O. RAMIREZ	3632		

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 21 September 2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1,2,4-12 and 14-20 is/are pending in the application.  
4a) Of the above claim(s) 19 and 20 is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1,2,5-12 and 15-18 is/are rejected.

7)  Claim(s) 4 and 14 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_ .

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_ .

***Detailed Action***

This is the fifth Office Action corresponding to amendment filed September 21, 2005. The application contains 18 claims; claims 19 and 20 stand withdrawn from consideration. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 103***

Claims 1, 2, 6-12, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rudolph (2,809,002) in view of Scoot et al. (Pat No 4,784,396). The patent to Rudolph discloses a hanger assembly comprising two slidable connected sections (26, 27) each having a flange (32, 38) with holes for receiving fasteners for securing the hanger between two structural members.

The patent to Scoot et al. discloses the teaching of threadingly securing a fastener to an item to facilitate securing the item and avoid the fastener from being dislodged or dropping accidentally.

It would have been obvious to one skilled of the art at the time the invention was made to have provided the device shown by Rudolph with a pre-secured fastener to facilitate securing the hanger to the structural members, for avoiding to look for a fastener and hold it while driving the fastener, or to avoid loosing fasteners while securing the fastener as shown by Scoot et al. With respect to the use of a pilot hole, this practice is well known in the art to facilitate driving the fastener. With respect to the method claims, the device

set forth above can be used following the recited method. Screws, nails, bolts, etc are all fastener means and considered to be mechanical equivalents and their use of one over the others is considered a matter of expediency.

Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rudolph in view of Scoot et al. and Lewis (Pat No 4,666,055).

The patent to Lewis discloses the teaching of the use of securing material (a paper washer) for securing a screw at the outer perimeter of an opening. It would have been obvious to one skilled in the art at the time the invention was made to have provided the device set forth above with a securing material for the screw as shown by Lewis as an additional securing means.

#### *Allowable Subject Matter*

Claims 4 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Response to Arguments*

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

The new references to Scoot et al. and Lewis may not be related to the field of hanger assembly per se; but are related to the field of securing a fastener to an object to avoid loosing the fastener, and in Scoot et al. to also free a hand when assembly the object.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMON O. RAMIREZ whose telephone number is (571) 272-6821. The examiner can normally be reached on MONDAY-FRIDAY, IST FRIDAY OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor ROBERT OLSZEWSKI can be reached on (571) 272-6788.

The fax phone number for the organization where this application or proceeding is assigned is 571 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A shortened period for response to this Office Action expires THREE MONTHS  
from the mailing date of this action.

ROR  
Oct. 11, 2005

  
RAMON O. RAMIREZ  
Primary Examiner  
Art Unit 3632